

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SCOTT STEVENSON, *et al.*,

Plaintiffs,

v.

OMNI FAMILY HEALTH,

Defendant.

Case No. 1:24-cv-01459-CDB

ORDER ON STIPULATION EXTENDING
TIME FOR DEFENDANT TO RESPOND TO
PLAINTIFFS' MOTION TO REMAND

(Doc. 15)

ORDER VACATING HEARING ON
PLAINTIFFS' MOTION TO REMAND

Relevant Background

On October 25, 2024, Plaintiffs Scott Stevenson and Marcos Montoya ("Plaintiffs") initiated this action with the filing of a complaint on behalf of themselves and a putative class of others against Defendant Omni Family Health ("Defendant") in the Superior Court of the State of California, Kern County, entitled *Scott Stevenson, et al. v. Omni Family Health*, Case No. BCV-24-103675. (Doc. 1). On November 29, 2024, Defendant removed the action to this Court. (*Id.*).

On December 27, 2024, Plaintiffs filed a pending motion to remand the action to Kern County Superior Court. (Doc. 11). On January 3, 2025, the Court granted the parties' stipulated request to extend time for Defendant to respond to the complaint to February 3, 2025, and vacated the scheduling conference set for March 3, 2025. (Doc. 13). On January 8, 2025,

1 Defendant filed the Notice of Related Cases and identified as related several actions, including
 2 at the time 13 cases before this Court, eight cases before the Kern County Superior Court, and
 3 one case before the Fresno County Superior Court.¹ (Doc. 14 at 1-3). Defendant therein advised
 4 it intends to remove all the state actions pending in the Superior Courts of California pursuant to
 5 28 U.S.C. § 1446(b). (*Id.* at 3). Defendant attests that it has either been served or waived service
 6 in all the cases identified aside from three of the state actions. (*Id.*).

7 This action is one of several similar class action suits brought in or removed to this Court
 8 in which Plaintiffs assert similar claims against Defendant. *See, e.g., Gober Villatoro Guerra v.*
 9 *Omni Family Health*, No. 1:24-cv-01492-JLT-CDB (“*Guerra*”) (Doc. 6). In *Guerra*, the Court
 10 noted the class action complaints here and the other Omni actions allege substantially similar
 11 facts and nearly identical causes of action against Defendant. (*Id.* at 1-2) (“From review of the
 12 several complaints, it appears these actions arise from a recent, alleged cyberattack resulting in
 13 a data breach of sensitive information in the possession and custody and/or control of Defendant
 14 (the “Data Breach”).” The Court ordered Defendant to file a Notice of Related Cases in
 15 accordance with Local Rule 123(b) in *Guerra* and the identified Omni Actions therein, including
 16 the instant action. (*Id.* at 3). The Court further ordered the parties in *Guerra* to show cause why
 17 this action should or should not be consolidated pursuant to Federal Rule of Civil Procedure
 18 42(a). (*Id.*). On December 27, 2024, Defendant filed the Notice of Related Cases and identified
 19 as related, *inter alia*, the instant action. (*Guerra*, Doc. 8); *see* (Doc. 14).

20 On December 30, 2024, the parties in *Guerra* filed a joint status report in response to the
 21 Court’s show cause order. (*Guerra*, Doc. 9). Therein, Defendant represents it intends to file a
 22 motion to substitute the United States in the matter and all other related Omni matters. (*Id.* at
 23 1). The *Guerra* parties represent that they will file in the first filed of the Omni federal
 24 actions – *Ellen Pace v. Omni Family Health*, No. 1:24-cv-01277-JLT-CDB (“*Pace*”) – a joint
 25 stipulation and proposed order consolidating and staying the Omni actions pending resolution of

26
 27 ¹ The Court notes two of the identified Omni actions were voluntarily dismissed. *See Brandon*
 28 *Cubit v. Omni Family Health*, No. 1:24-cv-01491-KES-CDB (Doc. 5) & *Katarina Hernandez*
individually and as next friend on behalf of S.A. (minor) v. Omni Family Health, Superior Court of
 the State of California, County of Kern, Case No. BCV-24-103697 (dismissed on Dec. 23, 2024).

1 the earlier of Defendant's forthcoming motion to substitute or motions to remand in the instant
2 action (Doc. 11) as well as *Abraham, et al. v. Omni Family Health*, Case No. 1:24-cv-01456-
3 JLT-CDB ("*Abraham*") (*Abraham*, Doc. 7). (*Id.* at 2).

4 On January 9, 2025, the parties filed in the *Pace* action the joint stipulated request for
5 consolidating and staying the Omni actions ("Consolidation Stipulation"). (*Pace*, Doc. 9).

6 **Pending Stipulated Request**

7 Pending before the Court is the parties' stipulated request to extend Defendant's time to
8 oppose the pending motion to remand to February 14, 2025, filed on January 9, 2025. (Doc. 15).
9 The parties represent that on January 9, 2025, the parties filed the pending Consolidation
10 Stipulation in the *Pace* action. (*Id.* ¶ 8); *see* (*Pace*, Doc. 9). The parties represent that the
11 Consolidation Stipulation, among other things, proposes: (1) the consolidation of the federal
12 court Omni actions identified in the Notice of Related Cases (Doc. 14) (collectively, the "Federal
13 Court Actions"); (2) completion of the briefing on the pending motion to remand (Doc. 11); and
14 (3) a briefing schedule on the remand motion, which includes a deadline of February 14, 2025,
15 for the filing of Defendant's opposition to the remand motion. (*Id.*). The parties represent that
16 consistent with the Consolidation Stipulation, the parties agree, subject to the Court's approval,
17 to extend Defendant's time to oppose the pending motion to remand in the instant action to
18 February 14, 2025, to allow for the entry of the Consolidation Stipulation. (Doc. 12 ¶ 9). The
19 parties represent that good cause exists in the efficiencies in allowing time for consolidation and
20 consolidated briefing on the issue of remand. (*Id.* ¶ 10).

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Good cause appearing, IT IS HEREBY ORDERED:

1. Defendant shall have until **February 14, 2025**, to file its opposition to the pending motion to remand (Doc. 11). *See* Local Rule 144(a).
2. The hearing on Plaintiffs' pending motion to remand is hereby VACATED. *See* Local Rule 230(k) & 302(c).

IT IS SO ORDERED.

Dated: **January 13, 2025**


UNITED STATES MAGISTRATE JUDGE